COUNCIL	Agenda Item 52(f)
28 January 2010	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP AMENDMENT

VAN DWELLERS IN BRIGHTON & HOVE

To delete the wording as struck out throughout, and the insertion of all new wording shown in bold italics:

The motion to read as follows:

"This Council ~~notes with concern~~ ***recognises*** the ~~growing problem~~ ***community*** of "van dwellers" ~~on~~ in the City~~'s roads.~~ ***of Brighton & Hove.*** ~~The only~~ ***There are*** other cities in the U.K. with similar levels of lived in vehicles ~~are~~ ***including*** Bristol and Blackpool.

This Council ~~does not support "van dwelling" (which is different from Gypsies or Travellers) as an appropriate or acceptable lifestyle choice~~ ***acknowledges that the issues surrounding the van dwelling population in Brighton & Hove are extremely complex and sensitive*** for the following reasons:

- ~~It is unlawful to live in a vehicle on a public highway (which is intended for the purposes of passing and re-passing) and on either occupied or unoccupied land without the owners' consent;~~

- ~~There are serious health and safety concerns for adjacent residents;~~

- ~~There are serious health and safety concerns for the van dwellers themselves, particularly where children are involved.~~

- ***There is a lack of decent affordable housing in the City; in particular the private rented sector is typified by inflexible fixed tenancies, high fees and high rents, with few rental agencies accepting people on benefits or low incomes without substantial deposits or guarantors;***

- ***Van dwellers are not a single homogeneous group. People adopt the way of life for very different reasons – some for a few years, some for a lifetime – some because they can't afford to rent, and some are very vulnerable and choose to live with a group;***

- ***Many van dwellers come to Brighton and Hove looking for work;***

- ***Many van dwellers are employed in seasonal occupations, often working at festivals or trade fairs, and thus need an affordable and flexible way to live;***

- ***Many van dwellers do indeed take part in the economic and cultural life of Brighton & Hove;***

- ***Many of the vans on the City's streets are not lived in. Many are registered to local people and are simply parked like other vans, until needed;***

- ***Unlike Gypsies and Travellers, the current legislation does not require the Council to provide designated sites for van dwellers, with toilet and waste collection facilities, on which rent and council tax would be payable. However, the Council can provide parking facilities if it chooses.***

Furthermore, this Council notes ***with regret*** that van dwellers do not generally meet the legal definition of Gypsies and Travellers and ~~in the main, have expressed a desire to remain in Brighton & Hove~~ ***that therefore,*** unlike Gypsies and Travellers, local authorities have no specific duties towards van dwellers.

This Council considers that the legal measures available ~~to deal with the problem of~~ ***with respect to*** van dwellers are both cumbersome and inadequate:

- Section 77 of the Criminal Justice and Public Order Act 1994 enables the Council to move vehicles on from a particular piece of highway but there is nothing to stop those vehicles moving onto the adjacent road immediately afterwards;

- ***That in any case, such displacement does not provide a long-term solution to addressing the needs of the City's van dwellers;***

- Obtaining an injunction against specified van dwellers is both time consuming and expensive and is possible only when the identity of the occupier is known;

- There are no ~~enforcement~~ powers under current planning legislation that enable the Council ~~to take action~~ ***to work towards designating sites for van dwellers***.

~~This Council further notes with regret that the Government still considers that current powers are adequate for local authorities to deal with this problem and that van dwelling will not be amongst the subjects considered suitable for new local flexibility around making local byelaws under Part 6 of the Local Government and Public Involvement in Health Act 2007.~~

Therefore, this Council resolves:

1. To ask the Chief Executive to write to the Secretary of State for Communities and Local Government asking him to recognise the unique nature of the van dwelling ~~problem~~ ***community*** in Brighton & Hove and requesting that ~~Councils be given the power to introduce specific local byelaws to properly address it~~ ***legislation be introduced requiring Local Authorities to provide sites for van dwellers***; and

2. To ask the Council's representative on the Sussex Police Authority to ~~examine~~ ***consider***, with his fellow members, ~~ways in which van dwelling could be more effectively policed~~ ***whether policing van dwelling*** in Brighton & Hove ***is an efficient use of police resources under the current circumstances where no site provision for van dwellers is made,*** and to report back to the Cabinet as a matter of urgency."

Proposed by: Cllr Vicky Wakefield-Jarrett Seconded by: Cllr Rachel Fryer

Supported by: Cllrs Ian Davey, Ben Duncan, Amy Kennedy, Jason Kitcat, Alex Phillips, Bill Randall, Sven Rufus, Paul Steedman, Keith Taylor, Pete West and Georgia Wrighton